

Message Text

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41

ACTION H-02

INFO OCT-01 AF-08 ISO-00 /011 W
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P R 201500Z APR 76
FM AMEMBASSY CAPE TOWN
TO SECSTATE WASHDC PRIORITY 5109
INFO AMEMBASSY PRETORIA

UNCLAS CAPE TOWN 0446

E.O. 11652: N/A

TAGS: WA, SHUM

SUBJ: RESPONSE TO CONGRESSIONAL REQUEST FOR INFORMATION

PLEASE PASS FOLLOWING MESSAGE TO CONGRESSWOMAN PATRICIA
SCHROEDER AFTER COORDINATION WITH AF/S

1. I HAVE JUST RECEIVED YOUR MESSAGE OF MARCH 31 WHICH
ENCLOSED A COPY OF A LETTER FROM YOUR CONSTITUENT DAVID
HENRICHS IN WHICH HE EXPRESSED CONCERN ABOUT THE CURRENT TRIAL
OF SIX NAMIBIANS IN SWAKOPMUND.

2. PLEASE INFORM MR. HENRICHS THAT THIS TRIAL HAS BEEN OF
CONSIDERABLE INTEREST TO THIS EMBASSY, AND AN EMBASSY OFFICER
HAS TRAVELLED FROM PRETORIA ON TWO OCCASIONS TO OBSERVE THE
PROCEEDINGS. OUR EMBASSY OFFICER HAS HAD FREQUENT PERSONAL
AND TELEPHONIC CONTACT WITH THE DEFENDANTS' LAWYERS AS WELL
AS WITH MR. HENRICHS' FRIEND, RALSSTON DEFFENBAUGH, WHO IS
CURRENTLY WORKING FOR THE LUTHERAN CHURCH IN NAMIBIA AND
IS ALSO ATTENDING THE TRIAL AS AN OBSERVER.

3. MR. HENRICHS HAS PROPERLY IDENTIFIED THE DEFENDANTS
AND THE CHARGES AGAINST THEM. HE IS ALSO CORRECT IN
NOTING THAT THE UNITED STATES GOVERNMENT DOES NOT APPROVE
OF THE APPLICATION OF THE TERRORISM ACT IN NAMIBIA. THE
EMBASSY HAS EXPRESSED THIS OPINION TO THE SOUTH AFRICAN
GOVERNMENT ON NUMEROUS OCCASIONS.

4. THE TRIAL WHICH BEGAN ON FEBRUARY 16 IS PROCEEDING
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SLOWLY OWING TO THE PROSECUTION'S LARGE NUMBER OF WITNESSES,

SOME OF WHOM ARE HOSTILE, AND TO SIX LENGTHY INTERRUPTIONS CAUSED BY DEFENSE APPLICATIONS FOR RULINGS FROM THE BENCH. THE PROSECUTION HAS CONCENTRATED ITS CASE ON PROVING THAT THE THREE WOMEN ON TRIAL DONATED MONEY AND GOODS TO MEMBERS OF THE EXTERNAL WING OF THE SOUTH WEST AFRICA PEOPLES ORGANIZATION (SWAPO), THAT TWO OF THE MALE DEFENDANTS PURCHASED VEHICLES FOR SWAPO AND THAT THE THIRD MALE TRANSPORTED THE ASSASSINS OF CHIEF ELIAS.

5. IN THE PAST WEEK THE DEFENSE'S MOTION TO HAVE THE CHARGES AGAINST ONE OF THE DEFENDANTS DISMISSED WAS DENIED BY THE COURT. THE DEFENSE WILL NOW PRESENT ITS CASE. THE PROSPECTS ARE FOR A LONG TRIAL, THE DECISION OF WHICH WILL PROBABLY BE APPEALED TO A HIGHER COURT. THE EMBASSY WILL CONTINUE TO MONITOR THE CASE AND OBSERVE THE HEARINGS WHEN POSSIBLE. PLEASE CONTACT THIS EMBASSY AGAIN IF WE CAN BE OF FURTHER ASSISTANCE.
BOWDLER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TRIALS, LEGISLATIVE MAIL, COURT PROCEEDINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 20 APR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976CAPET00446
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760149-0287
From: CAPE TOWN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760445/aaaablov.tel
Line Count: 79
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION H
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: oatisao
Review Comment: n/a
Review Content Flags:
Review Date: 06 AUG 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <06 AUG 2004 by SilvaL0>; APPROVED <22 SEP 2004 by oatisao>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: RESPONSE TO CONGRESSIONAL REQUEST FOR INFORMATION PLEASE PASS FOLLOWING MESSAGE TO CONGRESSWOMAN PATRICIA
TAGS: SHUM, WA, SF, XY, (HENRICHS, DAVID)
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006